

REMARKS

Claims 1-37 were pending in this application. By this amendment, claims 1, 4, 9, 12, 17, 20, 22-24, 26, 32, and 35-37 are amended, and claims 19, 28, and 34 are hereby canceled without disclaimer or prejudice. Thus, claims 1-18, 20-27, 29-33, and 35-37 are pending in the application. The claims have not been amended for reasons related to patentability, but are amended to expedite the allowance of this case. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and the following remarks.

I. Formal Matters:

A. Interview Summary Under 37 C.F.R. §1.133

A telephonic interview occurred between Applicants' representative, Michael Lukon and Examiner Hoosain on December 29, 2004. Applicants express their appreciation to the Examiner for taking the time to conduct the productive and pleasant interview. The interview covered the rejection of claims 1-37. The Examiner indicated that the rejection to the claims was not being withdrawn at that time. Prior to the conclusion of the interview Applicants' representative and Examiner Hoosain discussed amending the claim language and submitting arguments to differentiate from the cited art.

Additionally, Examiner Hoosain requested that an associate power of attorney be filed in the case. To assist in this matter, attached as Appendix A are 2 Notices of Customer Number Record Changes: one corresponding to the Applicant and the other corresponding to Merchant & Gould.

In a prior telephone communication, the Examiner indicated that an erroneous drawing objection had been issued and would be withdrawn in a subsequent communication.

B. Objection to the Drawings

In a prior telephone communication, the Examiner indicated that an erroneous drawing objection had been issued and would be withdrawn in a subsequent communication.

II. Claim Rejections

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,583,920 to Wheeler in view of United States Patent No. 6,665,377 to McKinley et al. (hereinafter “McKinley”). This rejection is respectfully traversed. The rejection of amended claims 1, 12, 17, 26, and 32 is discussed below

As amended, claim 1 recites a method, implemented in an advanced intelligent network, for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number. The method includes: encountering an originating trigger including a feature code and querying a first network element to obtain instructions for routing the communication, wherein the first network element determines whether a calling line associated with the first calling line number is subscribed to VAD service; if the calling line is subscribed to VAD service, establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities, wherein the intelligent peripheral prompts collection of an utterance from the calling line and translates the utterance into identifying information associated with a called line; receiving a message that includes the identifying information; and dropping the call path between the calling line and the intelligent peripheral and completing the communication between the calling line and the called line.

Wheeler does not teach or suggest the method as claimed in amended claim 1. The Office Action relies on the teaching of McKinley to cure the deficiencies in the teaching of Wheeler. However, like Wheeler, McKinley does not teach or suggest a method as recited in claim 1. Moreover, neither Wheeler nor McKinley, alone, or in combination, teach or suggest each and every limitation of amended claim 1 presented above. For example, the references do not teach the limitation of “encountering an originating trigger including a feature code and querying a first network element to obtain instructions for routing the communication, wherein the first network element determines whether a calling line associated with the first calling line number is subscribed to VAD service.”

Wheeler is directed to an intelligent peripheral in a video dial tone network. Wheeler describes an intelligent peripheral (IP) for use in the Advanced Intelligent Network (AIN). Wheeler describes the IP assumption of certain functions presently performed by an Integrated

Service Control Point (ISCP) and central office switches. The IP offers speech recognition capability and other enhanced telephone call processing features, such as voice or facsimile messaging. Gateway functionalities performed by the IP include communications port management of transmissions of information between subscribers and broadband servers, processing of billing information and session management. However, Wheeler does not teach or suggest a method, implemented in an advanced intelligent network, for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number as claimed in amended claim 1 of the present application.

McKinley does not compensate for the deficiencies of Wheeler, described above. McKinley describes a networked system of voice-activated dialers. When a calling party using a local voice-activated dialer utters a phrase which indicates that information to reach a called party may be available at a remote site, a network connection is established to the remote site, spoken words or phrases are transmitted to the remote site, and the called party information is obtained from the remote site. The called party information is used to provide additional networked services to the calling party such as call-completion, voice messaging, or paging. However, McKinley does not teach or suggest a method, implemented in an advanced intelligent network, for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number as claimed in amended claim 1 of the present application.

Neither Wheeler nor McKinley, alone, or in combination, teach or suggest the invention as claimed in amended claim 1. Thus, claim 1 is patentable over Wheeler in view of McKinley. Therefore, Applicants request that the Examiner withdrawal the rejection of claim 1 since the references do not provide each and every limitation of amended claim 1, and therefore cannot make a prima facie case of obviousness.

Since claims 2-11 depend from claim 1, reciting additional claim features, the combined teaching of Wheeler and McKinley cannot make obvious claims 2-11. Accordingly, withdrawal of these rejections and allowance of claims 1-11 is respectfully requested.

As amended, claim 12 recites a system for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number. The system includes a first network element having VAD capability and being operative to determine that a

calling line associated with the first calling line number is subscribed to VAD service, and in connection with the determination. The first network element being operative to instruct a second network element to route the communication to an intelligent peripheral, wherein the intelligent peripheral being operative to prompt collection of an utterance from the calling line. The intelligent peripheral translates the utterance into identifying information associated with a called line, and upon translation of the utterance, the intelligent peripheral being operative to route the communication to the second network element, including therewith a message containing the identifying information. The second network element being operative to query the first network element for instructions to route the communication and provide the identifying information to the first network element. Upon receiving the query from the second network element, the first network element being operative to instruct the second network element to complete the communication between the calling line and the called line.

The limitations of Wheeler and McKinley are described above. Moreover, Wheeler does not teach or suggest the system as claimed in amended claim 12. Again, the Office Action relies on the teaching of McKinley to cure the deficiencies in the teaching of Wheeler. However, like Wheeler, McKinley does not teach or suggest a system as recited in claim 12. Moreover, neither Wheeler nor McKinley, alone, or in combination, teach or suggest each and every limitation of amended claim 12 presented above. For example, the references do not teach the limitations of “a first network element having VAD capability and being operative to determine that a calling line associated with the first calling line number is subscribed to VAD service, and in connection with the determination, the first network element being operative to instruct a second network element to route the communication to an intelligent peripheral.”

Since neither Wheeler nor McKinley, alone, or in combination, teach or suggest the invention as claimed in amended claim 12, claim 12 is patentable over Wheeler in view of McKinley. Therefore, Applicants request that the Examiner withdrawal the rejection of claim 12 since the references do not provide each and every limitation of amended claim 12, and therefore cannot make a prima facie case of obviousness.

Since claims 13-16 depend from claim 12, reciting additional claim features, the combined teaching of Wheeler and McKinley cannot make obvious claims 13-16. Accordingly, withdrawal of these rejections and allowance of claims 12-16 is respectfully requested.

Amended claim 17 recites a method for preserving billing and interexchange carrier preferences of a subscriber using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number, comprising: receiving an indication including a feature code that a calling line associated with the first calling line number has VAD service; establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities; prompting collection of an utterance from the calling line, wherein the utterance is translated into identifying information associated with a called line; receiving a message from the intelligent peripheral that includes the identifying information and dropping the call path between the calling line and the intelligent peripheral; and completing the communication between the calling line and the called line.

The limitations of Wheeler and McKinley are described above. Wheeler does not teach or suggest the method as claimed in amended claim 17. The Office Action relies on the teaching of McKinley to again cure the deficiencies in the teaching of Wheeler. However, like Wheeler, McKinley does not teach or suggest a method as recited in claim 17. Moreover, neither Wheeler nor McKinley, alone, or in combination, teach or suggest each and every limitation of amended claim 17 presented above. For example, the references, referring to the claimed method, do not teach the limitation of “receiving an indication including a feature code that a calling line associated with the first calling line number has VAD service.”

Since neither Wheeler nor McKinley, alone, or in combination, teach or suggest the invention as claimed in amended claim 17, claim 17 is patentable over Wheeler in view of McKinley. Therefore, Applicants request that the Examiner withdrawal the rejection of claim 17 since the references do not provide each and every limitation of amended claim 17, and therefore cannot make a prima facie case of obviousness.

Since claims 18, and 20-25 depend from claim 17, reciting additional claim features, the combined teaching of Wheeler and McKinley cannot make obvious claims 18, and 20-25. Accordingly, withdrawal of these rejections and allowance of claims 17-18, and 20-25 is respectfully requested.

Amended claim 26 recites a system for using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number. The system includes: a first network element being operative to analyze a call directed to a feature code from a calling

line to determine whether the calling line associated with the first calling line number is subscribed to VAD service; in connection with the determination, the first network element being operative to instruct a second network element to route the communication to an intelligent peripheral; the intelligent peripheral being operative to prompt collection of an utterance from the calling line and translate the utterance into identifying information associated with a called line; upon translation of the utterance, the intelligent peripheral being operative to deliver the identifying information to the first network element; and the first network element being operative to instruct the second network element to route the communication to the called line.

The limitations of Wheeler and McKinley are described above. Moreover, Wheeler does not teach or suggest the system as claimed in amended claim 26. The Office Action relies on the teaching of McKinley to cure the deficiencies in the teaching of Wheeler. However, like Wheeler, McKinley does not teach or suggest a system as recited in claim 26. Moreover, neither Wheeler nor McKinley, alone, or in combination, teach or suggest each and every limitation of amended claim 26 presented above. For example, the references do not teach the limitation of “a first network element being operative to analyze a call directed to a feature code from a calling line to determine whether the calling line associated with the first calling line number is subscribed to VAD service.”

Since neither Wheeler nor McKinley, alone, or in combination, teach or suggest the invention as claimed in amended claim 26, claim 26 is patentable over Wheeler in view of McKinley. Therefore, Applicants request that the Examiner withdrawal the rejection of claim 26 since the references do not provide each and every limitation of amended claim 26, and therefore cannot make a prima facie case of obviousness.

Since claims 27, and 29-31 depend from claim 26, reciting additional claim features, the combined teaching of Wheeler and McKinley cannot make obvious claims 27, and 29-31. Accordingly, withdrawal of these rejections and allowance of claims 26-27, and 29-31 is respectfully requested.

Amended claim 32 recites a method for preserving billing and interexchange carrier preferences of a subscriber using voice activated dialing (VAD) service with respect to originating a communication from a first calling line number, comprising: receiving an indication including a feature code that a calling line associated with the first calling line number

has VAD service; establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities; prompting collection of an utterance from the calling line, wherein the utterance is translated into a second calling line number associated with a called line; receiving a message that includes the second calling line number and dropping the call path between the calling line and the intelligent peripheral; and completing the communication between the calling line and the called line.

The limitations of Wheeler and McKinley are described above. Wheeler does not teach or suggest the method as claimed in amended claim 32. Again, the Office Action relies on the teaching of McKinley to cure the deficiencies in the teaching of Wheeler. However, like Wheeler, McKinley does not teach or suggest a method as recited in claim 32. Moreover, neither Wheeler nor McKinley, alone, or in combination, teach or suggest each and every limitation of amended claim 32 presented above. For example, the references, referring to the claimed method, do not teach the limitation of "receiving an indication including a feature code that a calling line associated with the first calling line number has VAD service."

Since neither Wheeler nor McKinley, alone, or in combination, teach or suggest the invention as claimed in amended claim 32, claim 32 is patentable over Wheeler in view of McKinley. Therefore, Applicants request that the Examiner withdrawal the rejection of claim 32 since the references do not provide each and every limitation of amended claim 32, and therefore cannot make a prima facie case of obviousness.

Since claims 33, and 35-37 depend from claim 32, reciting additional claim features, the combined teaching of Wheeler and McKinley cannot make obvious claims 33, and 35-37. Accordingly, withdrawal of these rejections and allowance of claims 32-33, and 35-37 is respectfully requested.

CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-18, 20-27, 29-33, and 35-37 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this application with claims 1-18, 20-27, 29-33, and 35-37 to allowance. Should the Examiner feel

that a telephone interview with Applicants' attorney would further advance the case, please contact Applicants' attorney at 404.954.5040.

Respectfully submitted,

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